

## REMARKS

### I. Status of the claims

After entering this amendment, claims 1-8, 13-15, 20, 21, and 24-37 will be pending in this application. Claims 1, 6, 32, 35, and 36 have been amended and new claim 37 has been added in this response.

The proviso of claim 1 has been amended to add language that was unintentionally omitted from the version of claim 1 that was part of the new set of claims presented in the response filed on January 16, 2002. In that version of the proviso, the phrase "...and that can be substituted by an aryl substituted by one or two or different substituents" appears towards the end of the claim. However, the correct language in the proviso should have been "and that can be substituted by an aryl *radical or by an aryl-(C<sub>1</sub>-C<sub>4</sub>)-alkyl radical, where the aryl group can be* substituted by one or two identical or different substituents." The phrase in italics above has been added to the proviso of claim 1 in the present Response and Amendment. The correct version of the proviso appeared in the Preliminary Amendment filed on February 13, 2001, and finds support in the specification at p. 6, lines 26-28, and original claim 1.

The proviso of claim 1 has also been amended to add "unsubstituted phenyl" to the group of radicals that R<sup>4</sup> can represent in said proviso. This amendment finds support in examples 63, 64, and 69 of the instant specification, which represent compounds that fall under the new proviso wherein R<sup>4</sup> is "unsubstituted phenyl".

Applicants point out that although some compounds may be excluded from the scope of claim 1 by virtue of the proviso at the end of the claim, some of these compounds may still be covered by other claims. For instance, the compounds of

Examples 63, 64, and 69 fall within the scope of the proviso in claim 1, but they are still within the scope of currently-amended claim 6.

Claim 6 has been placed in independent form, incorporating all of the limitations of claim 1, from which it used to depend. However, the proviso in newly-amended claim 6 is the same as the proviso in previous claim 1 (with the correction mentioned above), as claim 1 stood before the present amendment. That is, "unsubstituted phenyl" is not part of the group of radicals that  $R^4$  can represent in the proviso of newly-amended claim 6.

Claim 32 has been amended by adding a comma after the word "hydroxyl."

Claim 35 has also been placed in independent form. Claim 36 has been amended to depend from claim 35, instead of from claim 1. New claim 37 is drawn to the subject matter of claim 27, as claim 27 stood before this amendment. New claim 37 finds support in original claim 4 and in the specification at p. 13, lines 8-9.

## II. Rejections under 35 U.S.C. § 102(b)

The Office rejected claims 1-3 and 34 under 35 U.S.C. 102(b) as being allegedly anticipated by the Chemical Abstracts of Morel *et al.* (*Tetrahedron* 52(30), 10095-10112 (1996)) and Brown *et al.* (*Australian J. Chem.* 37(1), 155-163 (1984)). Applicants enclose full copies of the articles for these two abstracts in the Information Disclosure Statement filed concurrently with this response. The amendment to the proviso to claim 1 excludes the compounds cited by the Examiner and should remove this rejection. As mentioned by the Examiner in the latest Office Action, no obviousness rejection has

been made to claim 1 or any other claims in view of the nature of the disclosure of the cited documents.

**III. Status paragraph**

As requested by the Office, Applicants amended the specification by adding a status paragraph at the beginning of the specification.


**IV. Conclusions**

In view of the foregoing amendments and remarks, Applicants respectfully request the re-examination of this application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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